

ORDINANCE NO. B-05-06-23-13C4

AN ORDINANCE AMENDING CHAPTER 4, ADDING SECTION 4.700, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO PROVIDE GENERAL STANDARDS AND PLACEMENT REQUIREMENTS FOR WIRELESS TRANSMISSION FACILITIES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

Chapter 4, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add Section 4.700 to read as follows:

SECTION 4.700 WIRELESS TRANSMISSION FACILITY

4.701 DEFINITIONS

- (1) "Attached Wireless Transmission Facility" (Attached WTF) shall mean a WTF that is attached to a Monopole, Self-Enclosed Monopole, building or other permanent structure.
- (2) "Collocation" shall mean the locating of wireless communications equipment from more than one provider on a single mount or support structure.
- (3) "Monopole" shall mean a WTF constructed as a free-standing structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires containing one or more externally mounted antennas and associated equipment.
- (4) "Self-Enclosed Monopole" shall mean a WTF constructed as a free-standing structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires containing one or more antennas and associated equipment no larger than thirty-six (36) inches in diameter at any given point with no externally-mounted or visible antennae.
- (5) "Stealth Wireless Transmission Facility" (Stealth WTF) shall mean a WTF, that is screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure such that the WTF is indistinguishable from other natural structures, structures or the structure that it is attached to or within.

- (6) “Wireless Transmission Facility” (WTF) shall mean an antenna and associated equipment intended for transmitting or receiving television, am/fm radio, digital, microwave cellular, telephone or similar forms of electronic communication.

4.702 WTF GENERAL STANDARDS

All WTFs shall comply with the following standards:

(1) Location prioritization

The City shall prioritize proposed locations for new WTFs in the following order:

- (a) Attached to an existing WTF.
- (b) Attached to a Utility Infrastructure, as defined in Section 10.1000 of this Code.
- (c) Attached as a Stealth WTF to an existing building or structure in a non-residential zoning district.
- (d) Attached to an existing building or structure in a non-residential zoning district.
- (e) Located as a free-standing Stealth WTF in a permitted non-residential zoning district.
- (f) Located as a Self-Enclosed Monopole in a permitted non-residential zoning district.
- (g) Located as a Monopole in a permitted non-residential zoning district.
- (h) Attached as a Stealth WTF to an existing non-residential building or structure in a residential zoning district.
- (i) Attached to an existing non-residential building or structure in a residential zoning district.
- (j) Located as a free-standing Stealth WTF on a lot of a non-residential use within a residential zoning district.
- (k) Located as a Self-Enclosed Monopole on a lot of a non-residential use within a residential zoning district.

(2) Historic regulations

Any application to locate a WTF in an historic district or on a building or structure that is listed on an historic register shall be subject to review and approval by the Historic Preservation Commission in accordance with Section 11.315 of this Code.

(3) Combination with other uses

Except as provided in paragraph (5) below, a WTF is permitted on a lot with an existing use.

(4) Combination with nonconforming buildings, uses and land

A WTF is permitted on a nonconforming building, on a lot with an existing nonconforming use, or in combination with a nonconforming use of land, provided that the WTF shall cease to operate if and when the provisions in Section 11.600 of this Code require that the nonconforming building, structure, use or use of land be removed, if the nonconforming use is not able to be brought into compliance with the required provisions of this Code.

(5) Prohibited combination

A WTF is prohibited on billboard signs.

(6) Signage

Advertising is prohibited anywhere on a WTF, with the exception of the minimum signage as required by the Federal Communications Commission (FCC) regulations or necessary for the operation of a WTF.

(7) Identification Sign

An identification sign for each service provider responsible for the operation and maintenance of a WTF at the site, not larger than two square feet, shall be posted at a location from which it can be easily read from outside the perimeter of the WTF, and shall provide the name, address, and emergency number of the responsible service provider.

(8) Noise

Equipment located at the base of a WTF shall not generate noise in excess of seventy-five (75) db at the property line.

(9) Automation

Except as provided in paragraph (9) below and during construction or an emergency, a WTF shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.

(10) Maintenance and repair

All WTFs and associated equipment shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Emergency repairs shall be allowed at all times.

(11) Removal

Any WTF that is not operated for a continuous period of six (6) months shall be considered abandoned, and shall be removed within sixty (60) days of receipt of notice from the City of such abandonment. Each property owner and person in control of the site is responsible for removal, jointly and severally. If such facility is not removed within

said sixty (60) days, the City may remove such facility at their expense. If there are two or more users of a single WTF, then this provision shall not become effective until all users cease operations on the facility housing the users.

(12) Improvement and Replacement

An existing WTF may be improved or replaced with a new WTF provided the improvements or replacement comply with the provisions of this Section 4.700.

(13) Violations

In addition to any other relief provided by this Section 4.700, the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Section and other available relief.

4.703 MONOPOLES AND SELF-ENCLOSED MONOPOLES

(1) Permitted locations

- (a) Monopoles may only be located in LI and I zoning districts, subject to the conditions set forth in this Section 4.700.
- (b) Self-Enclosed Monopoles may be located in SF-R, SF-1, SF-2, C-1, BP, LI, I, PF-3 and OS zoning districts, subject to the following conditions and the conditions set forth in this Section:
 - (i) Self-Enclosed Monopoles in SF-R, SF-1, SF-2, C-1, BP, PF-3 and OS districts shall be located at a minimum of two hundred (200) feet from a residential property line and one hundred (100) feet from the centerline of a public right-of-way.
 - (ii) Self-Enclosed Monopoles shall only be permitted in C-1, BP and PF-3 zoning districts on lots that are ten (10) acres or more; or on a lot adjacent to other lots that are zoned C-1, BP and PF-3, which when combined provide the cumulative sum of ten (10) acres or more.
 - (iii) Only one (1) Self-Enclosed Monopole is permitted for every ten (10) acres of contiguous development in C-1, BP or PF-3 districts. Multiple Self-Enclosed Monopoles may be clustered together.
 - (iv) Self-Enclosed Monopoles in BP, PF-3 or C-1 districts are permitted only in the service area at the rear or side of a building.
 - (v) Self-Enclosed Monopoles in BP, PF-3 or C-1 districts may not be located in a street yard or in a side or rear yard that abuts a residential use.
 - (vi) Self-Enclosed Monopoles shall only be permitted in OS zoning districts on lots that are ten (10) acres or more; or on a lot adjacent to other lots zoned OS, which when combined provide the cumulative sum of ten (10) acres or more.

- (vii) Self-Enclosed Monopoles in OS districts must be approved by the Director of the Parks and Recreation Department.
- (viii) Self-Enclosed Monopoles shall only be permitted in SF-R, SF-1 and SF-2 districts on lots used for the following non-residential purposes: churches, schools or fire stations.
- (ix) Self-Enclosed Monopoles shall only be permitted in SF-R, SF-1 and SF-2 districts as a Special Exception in accordance with Section 11.309 of this Code.

(2) Setbacks

The standard setbacks for each zoning district shall apply to Monopoles and any associated equipment with additional setbacks or separation being required in the sections below.

(3) Maximum height

(a) LI and I Zoning Districts

The maximum height of a Monopole in LI and I zoning districts shall be no more than one hundred and fifty (150) feet (including antenna).

(b) SF-R, SF-1, SF-2, C-1, BP, PF-3 and OS Zoning Districts

The maximum height of a Self-Enclosed Monopole in SF-R, SF-1, SF-2, C-1, BP, PF-3 and OS zoning districts shall be no more than eighty (80) feet (including antenna).

- (c) The maximum height of associated equipment located at the base of a Monopole or Self-Enclosed Monopole shall be no more than ten (10) feet.

(4) Color

Monopoles and Self-Enclosed Monopoles shall be painted a non-contrasting gray, beige or similar neutral color minimizing its visibility, unless otherwise required by the FCC or Federal Aviation Administration (FAA).

(5) Lighting

No Monopole or Self-Enclosed Monopole shall be artificially lighted except as required by the FCC and FAA. Security lighting around the equipment shelter is permitted provided it is not visible from neighboring properties. Lighting for maintenance purposes is permitted, provided the lights are not used at any other time.

(6) Screening

The equipment shelter at the base of a Monopole or Self-Enclosed Monopole shall be screened from public view by an unpainted split-face decorative masonry wall with a minimum height of one (1) foot greater than the height of the equipment shelter.

(7) Hazardous waste

No hazardous waste shall be discharged on the site of any Monopole or Self-Enclosed Monopole. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred (100) percent of the volume of the hazardous materials stored or used on the site.

(8) Collocation requirements

New Monopoles and Self-Enclosed Monopoles shall be designed to accommodate at a minimum three (3) WTFs, including the antennae and any associated ground-mounted equipment, unless the applicant demonstrates that such a design is not feasible for economic, technical or physical reasons. Service providers shall allow the collocation of Attached WTF's by competing service providers.

(9) Application requirements for site plan review and building permit

The following steps must be taken for the application of a new Monopole or Self-Enclosed Monopole to be considered for review:

- (a) Applications and all associated plans and documentation shall be submitted to the Planning and Community Development Department.
- (b) The applicant shall provide an inventory of all existing WTFs used by the applicant within the City limits or its ETJ, including, but not limited to, the location, height and design of each existing WTF.
- (c) The applicant shall demonstrate in writing that the WTF must be located where it is proposed in order to service the applicant's service area and shall address the location prioritization criteria listed above.
- (d) The applicant shall provide evidence of written contact with all wireless service providers which supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s) shall be included in the application as a means of demonstrating the need for a new Monopole or Self-Enclosed Monopole.
- (e) If the WTF is to be located on a lot with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.
- (f) The applicant shall provide a site plan for the proposed WTF in accordance with the requirements of Section 11.306 of this Code, as applicable.
- (g) The applicant shall provide detailed construction plans showing the design and installation of the WTF. These plans shall be sealed by a Professional Engineer

and/or Licensed Architect, as applicable, and shall be in compliance with the National Electric Code.

- (h) After the WTF has been constructed, the project engineer shall provide a letter certifying that the WTF was constructed in accordance with the approved plans.

4.704 ATTACHED WTF

(1) Permitted locations

- (a) An Attached WTF may be placed on a Monopole, building or structure in MF, C-1, C-2, OF, BP, LI, I, PF-1, PF-2, PF-3, SR, MI and OS zoning districts, subject to the conditions of this Section.
- (b) An Attached WTF may be attached to the following nonresidential buildings and structure that are permitted or accessory uses in SF-R, SF-1, SF-2, TF, TH, MH and SR residential zoning districts: schools, churches, municipal or governmental buildings or facilities or buildings or structures owned by a utility, subject to the conditions of this Section.

(2) Mounting and setbacks

The support structure or equipment for an Attached WTF shall be mounted flush with the vertical exterior of the building or structure to which it is attached or shall project no more than twenty-four (24) inches from the surface of the building or structure to which it is attached and shall not violate the building setback requirements of the zoning district in which the building or structure is located.

(3) Maximum Height

- (a) An Attached WTF shall not extend more than ten (10) feet above the building or structure to which it is attached and shall not violate the maximum height restriction of the zoning district in which the building or structure is located. The foregoing restriction shall not apply to WTFs attached to state, county and municipal structures.
- (b) An existing WTF may be extended in order to accommodate an Attached WTF. Under no circumstances shall the height of the WTF exceed one hundred and fifty (150) feet (including antenna) in LI and I zoning districts and eighty (80) feet (including antenna) in SF-R, SF-1, SF-2, C-1, BP, PF-3 and OS zoning districts.

(4) Visibility

- (a) Equipment associated with roof-mounted WTFs shall be screened from public view. Screening shall utilize the same or similar materials as the principal structure. If roof decks with mechanical equipment are visible from any level of adjacent buildings, the mechanical equipment must be painted to match the finished roof material.

- (b) Attached WTFs that are side-mounted shall blend with the existing building's architecture and shall be painted or shielded with material that is consistent with the design features and materials of the building.
- (c) All cabinets, boxes and WTF associated equipment that is not roof-mounted or side-mounted shall be located underground, unless it is so designed and located that it is not visible from a street.

(5) Application requirements for site plan review and building permit

The following steps must be taken for the application of a new Attached WTF to be considered for review:

- (a) Applications and all associated plans and documentation shall be submitted to the Planning and Community Development Department.
- (b) The applicant shall provide an inventory of all existing WTFs used by the applicant within the City limits or its ETJ, including, but not limited to, the location, height and design of each existing WTF.
- (c) The applicant shall demonstrate in writing that the Attached WTF must be located where it is proposed in order to service the applicant's service area and shall address the location prioritization criteria listed above. If the applicant is applying for a permit in a residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zoning district.
- (d) If the applicant is proposing to attach the WTF to any building or structure other than an existing WTF, the applicant shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s) shall be included in the application as a means of explaining why the proposed Attached WTF cannot be located on an existing WTF.
- (e) The applicant shall present documentation that the owner of the building or structure to which the WTF will be attached has granted permission for the proposed facility to be attached and maintained.
- (f) If the Attached WTF includes associated equipment that is ground-mounted, the applicant shall provide a site plan for the proposed WTF in accordance with the requirements of Section 11.306 of this Code, as applicable.
- (g) If the applicant is proposing to install a roof-mounted WTF, the Planning and Community Development Department shall be provided with an engineer's certification that the roof will support the proposed WTF and associated roof-mounted equipment.

- (h) The applicant shall provide detailed construction plans showing the design and installation of the WTF. These plans shall be sealed by a Professional Engineer and/or Licensed Architect, as applicable, and shall be in compliance with the National Electric Code.
- (i) After the WTF has been constructed, the project engineer or architect shall provide a letter certifying that the WTF was constructed in accordance with the approved plans.

4.705 STEALTH WTF

(1) Permitted locations

- (a) A Stealth WTF may be located in MF, C-1, C-2, OF, BP, LI, I, PF-1, PF-2, PF-3, SR, MI and OS zoning districts, subject to the conditions of this Section.
- (b) A Stealth WTF may be attached to a nonresidential building or structure that is a permitted or accessory use in SF-R, SF-1, SF-2, TF, TH, MH and SR residential zoning districts, including, but not limited to, a homeowners' association amenity center, a school, a church, a municipal or governmental building or facility, an agricultural building or a building or structure owned by a utility, subject to the conditions of this Section.

(2) Setbacks

The standard setbacks for each zoning district shall apply to all Stealth WTFs. To protect citizens in their homes, free-standing Stealth WTFs shall be placed a minimum distance equal to the height of the free-standing Stealth WTF away from any residential structure. No guy wires may be used.

(3) Maximum Height

The maximum height of a Stealth WTF shall be determined by the height limitations stated in Chapter 11 of this Code for the type of structure the WTF resembles.

(4) Visibility

The antenna and associated equipment of a Stealth WTF shall be screened, disguised, concealed or otherwise camouflaged as part of a structure such that the antenna and associated equipment of the WTF are indistinguishable from the structure that it is attached to or within. If the Zoning Administrator determines that the associated equipment cannot be feasibly or adequately camouflaged due to the unique circumstances of the proposed location, it shall be placed underground; or it may be screened from view from the public right-of-way and adjacent properties by an unpainted decorative masonry wall with a minimum height of one (1) foot greater than the height of the equipment shelter. In zoning districts other than LI, I and PF-3, the required masonry wall shall be screened by planting one (1) five (5) gallon or larger size shrub for every three (3) linear feet around the boundary of the wall. Shrubs shall be a minimum height of two and one-half (2 ½) feet at installation.

(5) Application requirements for site plan review and building permit

The following steps must be taken for the application of a new free-standing or attached Stealth WTF to be considered for review:

- (a) Applications and all associated plans and documentation shall be submitted to the Planning and Community Development Department.
- (b) The applicant shall provide an inventory of all existing WTFs used by the applicant within the City limits or its ETJ, including, but not limited to, the location, height and design of each existing WTF.
- (c) The applicant shall demonstrate in writing that the Stealth WTF must be located where it is proposed in order to service the applicant's service area and shall address the location prioritization criteria listed above. If the applicant is applying for a permit in a residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zoning district.
- (d) The applicant shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s) shall be included in the application as a means of explaining why the proposed Stealth WTF cannot be located on an existing WTF and as a means of demonstrating the need for a new Stealth WTF.
- (e) If a Stealth WTF is to be located on a lot with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.
- (f) The applicant shall provide an artist's rendering of the proposed Stealth WTF, along with images of comparable structures, both of similar Stealth WTFs and of the actual structures that the WTF will be mimicking.
- (g) The applicant shall provide detailed construction plans showing the design and installation of the WTF. These plans shall be sealed by a Professional Engineer and/or Licensed Architect, as applicable, and shall be in compliance with the National Electric Code.
- (h) Applications for attached Stealth WTFs with ground-mounted associated equipment and applications for free-standing Stealth WTFs shall also include a site plan for the proposed WTF in accordance with the requirements of Section 11.306 of this Code, as applicable.
- (i) After the Stealth WTF has been constructed, the project engineer or architect shall provide a letter certifying that the Stealth WTF was constructed in accordance with the approved plans.

(6) Criteria for approval

The Zoning Administrator shall determine whether or not a proposed Stealth WTF is sufficiently camouflaged based on the type, size, scale and appropriateness of the structure that the Stealth WTF will resemble in relation to the architectural and land use context in which the Stealth WTF is located.

II.


A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and APPROVED on first reading this the ____ day of _____, 2005.

READ, APPROVED and ADOPTED on ^{first}~~second~~ reading this the 23rd day of June, 2005.



NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:



CHRISTINE R. MARTINEZ, City Secretary

DATE: June 16, 2005

SUBJECT: City Council Meeting – June 23, 2005

ITEM: 13.C.4. Consider an ordinance amending Chapter 4, Business Regulations, Code of Ordinances (1995 Edition) to include revised provisions concerning the geographical placement and design standards pertaining to wireless transmission facilities within the City of Round Rock. (First Reading)

Department: Planning and Community Development

Staff Person: Jim Stendebach, Planning Director

Justification:

During the 2002 revision of the Zoning Ordinance, it became apparent to staff that the regulations concerning Wireless Transmission Facilities (WTF's) were insufficient to address the modern complexities of the wireless industry and that additional research was required prior to establishing new standards. Rather than delay the adoption of the new Zoning Ordinance, the decision at the time was to simply carry over the existing regulations and then revisit the issue later when additional research could be conducted. Staff has now completed that research, including extensive discussions with industry representatives, and is proposing regulations and standards that provide for the ever-increasing demand for wireless services while at the same time ensuring that additional wireless infrastructure does not compromise the City's character and aesthetic appeal.

Since staff is adding detailed regulations, including application processes for the different types of WTF's, the City Attorney has recommended transferring the regulations for WTF's from Chapter 11 (*Zoning*) in the Code of Ordinances to Chapter 4 (*Business Regulations*). Chapter 4 is dedicated to specific businesses and industries that require special attention, such as Sexually Oriented Businesses. Because of the ever-evolving nature of the wireless industry and the level of detail we are providing to address this industry, it now qualifies for a special section within Chapter 4.

While the new regulations will no longer be located in Chapter 11, they will still impact the permitted uses within certain zoning districts listed in Chapter 11. Council's vote on the proposed ordinance will therefore have the following three effects:

7. It will modify and add to the existing WTF regulations currently in the Code.
8. It will move those regulations from Chapter 11 in the Code to Chapter 4.
9. It will modify the "Permitted Uses" tables of effected zoning districts in Chapter 11.

Funding:

Cost: N/A

Source of funds: N/A

Outside Resources: N/A

Background Information:

The proposed changes to the City's WTF regulations were presented to the City Council on May 26th and to the Planning and Zoning Commission on June 1st. The Planning and Zoning Commission recommended approval of the proposed changes with the condition that, in residential zones, Self-Enclosed Monopoles and Attached WTF's be limited to the following non-residential sites: schools, churches, fire stations and utility infrastructure. These changes have been incorporated into the proposed ordinance being presented for Council adoption. Please see "Justification" above for additional background information.

Public Comment:

A public hearing was held on June 1, 2005, at the regular meeting of the Planning and Zoning Commission.